

No. 11(112)-80-3Lab/5786.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act. No. XIV of 1947) the Governor of Haryana is pleased to publish the following ward of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/S D.G.L. Private Limited, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 255 and 256 of 1978

*Between*

SHRI OM PARKASH AND SHRI TARA CHAND WORKMEN AND THE MANAGEMENT OF M/S D.G.L. PRIVATE LTD., FARIDABAD

*Present :—*

Shri K. L. Sharma, for the workmen.

Shri R. K. Agarwal, for the management.

AWARD

1. By order No. ID/FD/66-78/33752, dated 19th July, 1978, the Governor of Haryana referred the following dispute :—

Whether the termination of services of Shri Om Parkash was justified and in order? if not, to what relief is he entitled?

2. By order No. ID/FD/66-78/33759 the Governor of Haryana referred the following dispute. Whether the termination of services of Shri Tara Chand was justified and in order? If not, to what relief is he entitled?

between the management of M/S. D.G.L. Private Ltd., Faridabad and its workmen Shri Om Parkash and Shri Tara Chand to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947.

3. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the terms of reference were put in issues and the case was fixed for the evidence of the management who obtained five adjournments but adduced no evidence. Even the records of enquiry proceedings and findings were not filed by the management. In the circumstances, the case of the management was closed and the case was fixed for the evidence of the workmen. The workmen obtained 3—4 adjournments and lastly Shri Tara Chand in reference No. 256 of 1978 stated, that he was getting Rs 332.50 as wage and was employed in this factory from 1st December, 1971. He was dismissed from service on false charges. The management had held the enquiry but it was not in accordance with the principles of natural justice. The workman was neither given opportunity of cross examine the witnesses for the management and of leading defence and was victimised for trade union activities. Similar statement was given by Shri Om Parkash the workman in reference number 255 of 1978 with the only variance that he was employed in the factory since 13th October, 1965 and was getting Rs 332. I, believe in the *ex parte* statements of the workmen and give my award that the termination of services of the workmen was neither justified nor in order. The workmen Shri Om Parkash and Shri Tara Chand are entitled to reinstatement with continuity of service and with full back wages.

Dated: 7th April, 1980.

NATHU RAM SHARMA,

Presiding Officer, Industrial Tribunal, Haryana, Faridabad.

No. 333, Dated 9th April, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer, Industrial Tribunal, Haryana, Faridabad.